

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-against- :

21-CR-603 (VEC)

TERRENCE WILLIAMS et al., :

Defendants. :

ORDER

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VALERIE CAPRONI, United States District Judge:

WHEREAS on July 7, 2022, the Court entered a Scheduling Order adopting the trial groupings contained in the Government's letter dated June 3, 2022, Dkt. 299, and setting trial dates, Dkt. 413;

WHEREAS on July 25, 2022, counsel for Defendant Darius Miles submitted a letter motion to delay the trial dates for all Defendants in Group 1 from November 30, 2022, to January 19, 2023, in order to grant the parties sufficient time to prepare for trial following anticipated pretrial motions, Dkt. 431;

WHEREAS the Government opposed Defendant's motion to adjourn the trial dates for Group 1 and also requested that information pertaining to the NBA healthcare plan contained in Mr. Miles's filings be redacted, Dkt. 431, 432, 444;

WHEREAS on July 19, 2022, counsel for Defendant Ronald Glen Davis, who is currently scheduled to be tried in Group 1, also requested to delay Mr. Davis's trial date, Dkt. 422, and the Government consented to moving Mr. Davis to Trial Group 2 or 3, Dkt. 443.

IT IS HEREBY ORDERED that the trial dates for all Defendants will be delayed by approximately one month, according to the schedule below, to provide counsel time to prepare for trial following the conclusion of anticipated motion practice. To accommodate trial conflicts for Mr. Davis's counsel, Mr. Davis will be moved to Trial Group 3.

The deadlines for all pretrial motions will remain the same. Any pretrial motions from the Defendants must be filed by **Friday, September 9, 2022**. The Court encourages Defendants to submit their pretrial motions jointly to the extent possible. The Government's response to any pretrial motions must be filed not later than **Friday, October 7, 2022**. The Defendants' replies must be filed not later than **Friday, October 21, 2022**.

Jury selection and trial for Group 1 will begin at **10:00 a.m. on Thursday, January 19, 2023**. For Group 1, voir dire questions, requests to charge, and motions in limine must be filed not later than **Thursday, December 1, 2022**. Responses to any motions in limine must be filed not later than **Thursday, December 15, 2022**. The final pretrial conference will be held on ~~Wednesday~~Tuesday, January 104, 2023, at 2:30 p.m.

Jury selection and trial for Group 2 will begin at **10:00 a.m. on Monday, February 6, 2023**. For Group 2, voir dire questions, requests to charge, and motions in limine must be filed not later than **Friday, December 30, 2022**. Responses to any motions in limine must be filed not later than **Friday, January 13, 2023**. The final pretrial conference will be held on **Thursday, January 26, 2023, at 2:30 p.m.**

Jury selection and trial for Group 3 will begin at **10:00 a.m. on Monday, March 6, 2023**. For Group 3, voir dire questions, requests to charge, and motions in limine must be filed not later than **Friday, January 27, 2023**. Responses to any motions in limine must be filed not later than **Friday, February 10, 2023**. The final pretrial conference will be held on **Thursday, February 23, 2023, at 2:30 p.m.**

Jury selection and trial for Group 4 will begin at **10:00 a.m. on Monday, April 10, 2023**. For Group 4, voir dire questions, requests to charge, and motions in limine must be filed not later than **Friday, February 24, 2023**. Responses to any motions in limine must be filed not later than **Friday, March 10, 2023**. The final pretrial conference will be held on **Thursday, March 30, 2023, at 2:30 p.m.**

IT IS FURTHER ORDERED that the Government's request to redact information beyond personal identifying information in the letter motion at docket entries 431 and 44, is DENIED. The parties are directed to file revised letters on ECF by no later than **Friday, August 5, 2022**. The Court finds that these documents are judicial documents as they are highly relevant to the Court's duty to evaluate whether the proposed pretrial motions merit a delay in the trial schedule, and thus, a presumption of access applies. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006). Although the NBA healthcare plan has countervailing privacy interests, they are not strong enough to overcome the presumption of access attached to judicial documents. As the Government acknowledges, these documents may be made public regardless once this case proceeds to trial. Dkt. 44 at 5 n.5.

IT IS FURTHER ORDERED that time is excluded until **Monday, March 6, 2023**, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the ends of justice served by taking such action outweigh the best interest of the public and the Defendants in a speedy trial given the complexity of this case, the logistical difficulties of trial preparation caused by COVID-19, the large numbers of Defendants in this action, and the voluminous discovery.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to terminate the open motions at Docket entries 421, 431, and 432.

SO ORDERED.

Dated: August 2, 2022
New York, NY



VALERIE CAPRONI
United States District Judge